

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

-----x
METRO FUEL LLC, a Delaware limited
liability company,

No. C07-6067 JSW

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal corporation,
COUNTY OF SAN FRANCISCO, a subdivision of the
State of California, CITY AND COUNTY OF SAN
FRANCISCO, a chartered California city and county.

Defendants.

-----x
DECLARATION OF CHARLES T. FETTERMAN

CHARLES T. FETTERMAN declares under penalty of perjury, pursuant to 28
U.S.C. § 1746, that the following is true and correct:

1. I submit this declaration in support of the motion by Plaintiff Metro Fuel
LLC for a preliminary injunction in this case.

2. I Charles T. Fetterman own the property located at 360th 5th Street in San
Francisco. Pursuant to a lease agreement between Metro Fuel and Charles T. Fetterman, Metro
Fuel has placed and operates four panel signs on the property.

3. On or about May 3, 2007 the City of San Francisco issued violation
#200702591 to Charles T. Fetterman alleging that Metro Fuel's panel signs are illegal and
purportedly imposing a fine of approximately \$18,000 stated to be the estimate of the value of
work performed without a permit per the Notice of Violation.

4. I notified Metro Fuel of this notice of violation and was informed that Metro Fuel had filed this lawsuit in federal court challenging the constitutionality of the advertising sign restrictions at issue. I informed Metro Fuel that I am very concerned about the notice of violation and the steep fines that the City claims are accruing. Metro Fuel explained that there was a court appearance in the federal court action on July 11, 2008, and that Metro Fuel asked the Court to issue an injunction barring the City from acting on the notice of violation during the pendency of the lawsuit.

There was a Director's Hearing held on September 6, 2007, Chief Inspector Kornfield continued the case and rescheduled the Director's Hearing until October 4, 2007 in order for Metro Fuel to obtain all communications relative to my property under the terms of the San Francisco Sunshine Ordinance. On October 4, 2007, there was a hearing and the case was transferred from the Building Department Code Enforcement Division to the City Planning Department. Further action of as the case was suspended and the case was continued until an unspecified time. Subsequently I received an Order of Abatement from the Department of Building Inspection on October 26, 2007 relative to Complaint 200702591 from Inspector Hinchion.

This violation and the compounding fines are not acceptable as we do not have the wherewithal in this economic market to be able to pay these fines for signs that generate monies which we rely upon on a monthly basis. I have contacted Metro Fuel and explained to them that I have a lease with them that is in full force and effect and that they are responsible for the payment of rent to me until the end of the lease term. Fuel indicated that they have attempted to obtain a permit in accordance with the violation request and that the City will not accept the

application. This makes no sense to me as there are many bus shelters and street newspaper stands that have signs in the same local area. I also told them that they need to pay all of these violation penalties immediately as I cannot risk having a lien filed on my property as it is my understanding that that would be the next step in the process and I am not willing to risk the title to my property by having a lien imposed against my property.

5. I met with Lisa Niedermeyer and Ricardo Marques of Fuel and informed them that if this issue is not resolved shortly, I will have no choice but to remove the panel signs from my property, however they will still be responsible for the rent under the terms of the lease as I have not breached my lease with them. I understand that there is strong legal precedent supporting Metro Fuel's constitutional claim, but I cannot risk the possibility that the City's notice of violation will be upheld and that the fine of approximately \$18,000 will later be enforced. Unless the Court intervenes soon, I will be forced to remove the panel signs as I cannot afford to have compounding violations on my property. I feel strongly that this is an injustice to me as I have several buildings that are suitable for signs which could generate additional income for my company however I will not contemplate any future agreements until this situation is rectified with the City.

Copies of all of the above referenced documents are attached as Exhibit A.

Dated: July 11, 2008
San Francisco, California

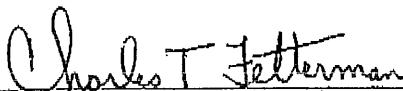

CHARLES T. FETTERMAN

Exhibit A



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION

 FIRST NOTICE

 SECOND NOTICE

COMPLAINT NUMBER

200792591

 City and County of San Francisco
 1660 Mission St. • San Francisco, CA 94103 - 2414

 OTHER:

ADDRESS

360 5th St

DATE 6/18/07

OCCUPANCY / USE

B

BLOCK 3753 LOT 007

CONST. TYPE

B

 STORIES 2 BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT

PHONE #

MAILING ADDRESS

CITY

ZIP

PERSON CONTACTED @ SITE

PHONE #

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 106.1.1); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);

EXPIRED PERMIT (SFBC 106.4.4); CANCELLED PERMIT (SFBC 106.3.7) PA# _____;

UNSAFE BUILDING (SFBC 102); SEE ATTACHMENTS

CODE / SECTION #

YOU FAILED TO COMPLY WITH NOTICE OF VIOLATION DATED 5/3/07 THEREFORE THIS DEPARTMENT HAS INITIATED ABATEMENT PROCEEDINGS AGAINST THE PROPERTY

(BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code)

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

FILE BUILDING PERMIT APPLICATION WITHIN ____ DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN ____ DAYS AND COMPLETE ALL WORK WITHIN ____ DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN ____ DAYS. NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 5/3/07, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

YOU WILL BE NOTIFIED OF TIME DATE & PLACE OF DIRECTOR'S HEARING BY CODE ENFORCEMENT DIVISION

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

9x Fee (Work w/o Permit after 9/1/00)

2x Fee (Work Exceeding Scope of Permit)

Other _____ Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/00)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED WITHOUT PERMITS _____

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR _____

(Inspector — Print Name)

OFFICE HOURS TO AM AND TO PM

PHONE # 558-6454

By: (Inspector's Signature) *Daniel D. Wilson*

DISTRICT #

CC: DCP EID PID BID HIS CED CPC DAD SFFD DPH RPC

Building Inspection Division
3rd Floor, 1660 Mission St. 558-609

Housing Inspection Services
6th Floor, 1660 Mission St. 558-622

Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-603

Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-605

Code Enforcement Division
3rd Floor, 1660 Mission St. 558-617



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

7
COMPLAINT NUMBER

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

ADDRESS 360 5TH ST

OCCUPANCY / USE B

CONST. TYPE B

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT

MAILING ADDRESS

CITY

ZIP

PERSON CONTACTED @ SITE

PHONE #

PHONE #

VIOLATION DESCRIPTION:

<input checked="" type="checkbox"/> WORK WITHOUT PERMIT (SFBC 106.1.1);	<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);
<input type="checkbox"/> EXPIRED PERMIT (SFBC 106.4.4);	<input type="checkbox"/> CANCELLED PERMIT (SFBC 106.3.7) PA# _____;
<input type="checkbox"/> UNSAFE BUILDING (SFBC 102);	<input type="checkbox"/> SEE ATTACHMENTS
SIGN RELOCATED IN FRONT OF BUILDING	CODE / SECTION # 106.1.1
AT 354. 360 5TH ST WINTER	
BUILDING PERMIT SIGN IS DOUBLE	
FACED APPROX 6 FT TALL 4 FT WIDE	

(BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code)

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

- FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.
- OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 70 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN ____ DAYS. NO PERMIT REQUIRED.
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

OBTAIIN BUILDING PERMIT IN MIA PLANNING
DEPARTMENT APPROVAL FOR SIGNS IN SITUATION
WITHOUT PERMIT

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

- 9x Fee (Work w/o Permit after 9/1/00)
- 2x Fee (Work Exceeding Scope of Permit)
- Other _____
- Reinspection Fee \$ _____
- No penalty (Work w/o permit prior to 9/1/00)

APPROX. DATE OF WORK W/O PERMIT APRIL 2007 VALUE OF WORK PERFORMED WITHOUT PERMITS \$ 1000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR SUE FFY (Inspector — Print Name)

OFFICE HOURS 7:30 TO 3:30 AM AND 3 TO 4 PM

PHONE # 558-6100

By: (Inspector's Signature) On (Date) DISTRICT #

CC: DCP EID PID BID HIS CED CPC DAD SFFD DPH RPC

Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096

Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220

Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030

Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054

Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6154

DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
3660 Mission Street, San Francisco, California 94103-2414

Address 360 5th St.

IMPORTANT NOTICE

The attached Notice of Director's Hearing, pertaining to the property noted above, requests the presence of the property owner, their representatives or interested parties at a hearing to determine why the violations cited against the property have not been corrected and to assess penalties for lack of compliance.

If the violations have been corrected, first contact the district building, electrical or plumbing inspector to verify that they agree that the violations have been corrected. Correction of the violations may involve sign-off of permits and additional inspections. If the inspectors agree the violations have been corrected, request that they contact the Code Enforcement Division and advise us that the complaint has been abated. If the related permit has been given final sign-off please provide the Code Enforcement Division with a copy of the inspection Report/Job Card.

If the violations have not been corrected or will not be fully corrected prior to the hearing date, penalties will be assessed that include but are not limited to:

An ORDER OF ABATEMENT will be recorded as a lien against the deed of the property giving notice that the building is UNSAFE, and/or a PUBLIC NUISANCE and ordering that the violations be corrected within a definite time limit in order to avoid additional penalties.

The PROPERTY OWNER WILL BE BILLED for the entire cost incurred by the Department of Building Inspection for code enforcement process, from the posting of the first "WARNING of VIOLATION" until the conclusion of the abatement process.

A one time hearing continuance of thirty (30) days may be granted, for good cause only, if requested in writing prior to the hearing. Submit this request to the Code Enforcement Division on the 5th floor at 3660 Mission St.

If you have further questions regarding the code enforcement process concerning this property, or if you wish to update the status of this complaint, contact:

Inspector JOHN HAN CHIONG

Telephone # 558-6012

Division CED
Date 8/10/07

DEPARTMENT OF BUILDING INSPECTION

**City & County of San Francisco
1660 Mission Street , San Francisco, CA 94103-2414**

August 20, 2007

Owner: FETTERMAN, CHARLES T & LESL
325 COREY WY 107
S SAM FRANCISCO CA
94608

Address: 260 05TH ST.
Block: 3753 Lot: 007 Seq: 01
Tract: Case: BWO
Hearing Number: 200702591
Inspector: Hinchion

NOTICE OF DIRECTOR'S HEARING

Date and Time of Hearing: September 06, 2007
At 1660 Mission Street, Room 2001, San Francisco, CA 94103 AT 9:30 a.m.

TO OWNER(S), LESSEE(S), TENANT(S) AND OTHER PERSONS OF INTEREST:

In accordance with provisions of the San Francisco Building Code, the described premises were inspected and violation(s) were found to exist. The list of violation(s) have been mailed to the Owner(s) of Record or agent(s) and compliance has not occurred. Therefore, the Director of the Department of Building Inspection has probable cause to believe the building, structure or a portion thereof is an unsafe building or property.

Failure to comply with the decision of the Director may result in the revocation of the Permit of Occupancy and/or Certificate of Occupancy of the subject premises.

The Owner(s) of Record or the duly authorized representative is notified to appear at the Hearing to be held on the date shown above, at which time the Director of the Department of Building Inspection will consider the violation(s) and that the building is unsafe and a public nuisance.

WARNING

Failure to comply with this request will result in further abatement proceedings. If an Order of Abatement is issued from the Director's Hearing, you will be billed for the entire cost incurred in the code enforcement process, from the posting of the first "Warning of Violation" until the matter is resolved per San Francisco Building Code Sections 102.2, 110 Table 1-G & 110 Table 1-K.

The Owner(s) of Record is instructed to notify the holder(s) of any Mortgage(s) or Deed(s) of Trust secured by this property of these proceedings. Also, the Department of Building Inspection shall be advised of the name(s) of holder(s) of any Mortgage(s) or Deed(s) of Trust on this property.

BY ORDER OF THE DIRECTOR OF DEPARTMENT OF BUILDING INSPECTION.

Very truly yours,

Iesam Hasenin, P.E., C.B.O.
Director / Department of Building Inspection

Signature WEN	Site Unit ST	Block Lot 5793 007 0	Address ID PRIMAR	Assessor TAXES ASSESSED		
Total Taxes Land Structure Fixture	Other Exempt Other Exempt	\$0 \$0 \$0	Exempt Type IN STAMM	2007		
Prior Price Prior Sale	Current Price Cur Sale	\$0 \$0	Priority Base Curr	1997		
Construction App Land Acre	Land Use PSD	Prop Tax Ldt GDT	Date Shd 09/20/2007	Use Type /		
Lot Frontage or Pay Depth 0	Depth 0	Staircase 0	Subject to Volume	Holy M. Stearns		
Rooms 2	Bathrooms 0	Beds 3	Sq Ft 0	Year Built 1945	Debt Form W 7400	Tax Area 1
Owner Information						
Name FETTERMAN, CHARLES T & LESLEY	Address 625 COONEY HWY 107	Amounts	City SAN FRANCISCO CA	State CA	Zip 94109	Owner Date 12/08/2008

RECORDING REQUESTED BY:
 Peninsula Bank of Commerce
 CIO Greater Bay Branch
 5010 Old Ironsides Drive
 Santa Clara, CA 95054

2

NOTICE OF VIOLATION

of the San Francisco Municipal Courts Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION NOTICE: 1
City and County of San Francisco
1650 Mission St., San Francisco, CA 94103

NUMBER: 200702591

DATE: 03-MAY-07

ADDRESS: 354 5TH ST
OCCUPANCY/USE: B (B-2)OPC, FOOD SVC, ET)

BLOCK: 3753 LOT: 007

If checked, this information is based upon visual observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: FETTERMAN, CHARLES T & LESLEY
MAILING FETTERMAN, CHARLES T & LESL
ADDRESS 325 COREY WY 107
S SAN FRANCISCO CA 94080

PHONE #: -

PHONE #: -

CODE/SECTION#
106.1.1

PERSON CONTACTED @ SITE:

VIOLATION DESCRIPTION:

 WORK WITHOUT PERMIT

106.4.7

 ADDITIONAL WORK-PERMIT REQUIRED

106.4.7

 EXPIRED OR CANCELLED PERMIT PAR:

102.1

 UNSAFE BUILDING SEE ATTACHMENTS

SIGN ERECTED AT FRONT OF BUILDING AT 354 5TH ST WITHOUT BUILDING PERMIT, SIGN IS DOUBLE FACED APPROX 6FT TALL 4FT WIDE.

CORRECTIVE ACTION:

 STOP ALL WORK SFBC 104.2.4

415-558-6120

 FILE BUILDING PERMIT WITHIN 30 DAYS (WITH PLANS) A copy of This Notice Must Accompany the Permit Application OBTAIN PERMIT WITHIN 60 DAYS AND COMPLETE ALL WORK WITHIN 90 DAYS, INCLUDING FINAL INSPECTION AND SHUTOFF. CORRECT VIOLATIONS WITHIN DAYS. NO PERMIT REQUIRED YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

- FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

OBTAİN BUILDING PERMIT WITH PLANNING DEPARTMENT APPROVAL FOR SIGN INSTALLED WITHOUT PERMIT.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

9% FEE (WORK W/O PERMIT AFTER 9/1/00) 2x FEE (WORK EXCEDDING SCOPE OF PERMIT)

 NO PENALTY REINSPECTION FEE \$

(WORK W/O PERMIT PRIOR TO 9/1/00)

 OTHER:

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$2000

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Denol J Duffy

DIVISION: BID

DISTRICT:

PHONE # 415-558-6120

By: (Inspector's Signature)

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION NOTICE: 2

NUMBER: 200702591

DATE: 18-JUN-07

City and County of San Francisco
1660 Mission St., San Francisco, CA 94103

ADDRESS: 360 05TH ST

BLOCK: 3753 LOT: 007

OCCUPANCY/USE: B ((B-2)OFC,FOOD SVC,ET)

✓ Checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

PHONE #: --

OWNER/AGENT: FETTERMAN, CHARLES T & LESLEY

PHONE #: --

MAILING FETTERMAN, CHARLES T & LESLEY

CODE/SECTION#

ADDRESS 325 COREY WY 107
S SAN FRANCISCO CA

106.1.1

94080

PERSON CONTACTED @ SITE: FETTERMAN, CHARLES T & LESLEY

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT

106.4.7

ADDITIONAL WORK-PERMIT REQUIRED

106.4.7

EXPIRED OR CANCELLED PERMIT PAR:

102.1

UNSAFE BUILDING SEE ATTACHMENTS

YOU FAILED TO COMPLY WITH NOTICE OF VIOLATION DATED 5/3/07 THEREFORE THIS DEPARTMENT HAS
INITIATED ABATEMENT PROCEEDINGS AGAINST THE PROPERTY.

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-558-6120

FILE BUILDING PERMIT WITHIN DAYS

(WITH PLANS) A copy of this Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

NO PERMIT REQUIRED

CORRECT VIOLATIONS WITHIN DAYS.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED 03-MAY-07, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS

* FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.

SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

YOU WILL BE NOTIFIED OF TIME, DATE AND PLACE OF DIRECTORS HEARING BY CODE ENFORCEMENT DIVISION.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

1x FEE (WORK W/O PERMIT AFTER 9/1/00) 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

NO PENALTY

OTHER: REINSPECTION FEE \$ (WORK W/O PERMIT PRIOR TO 9/1/00)

APPROX. DATE OF WORK W/O PERMIT

VALUR OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Denal J Duffy

DIVISION: BID

DISTRICT:

PHONE # 415-558-6120

By: (Inspector's Signature)



SAN FRANCISCO PLANNING DEPARTMENT

October 18, 2007

FETTERMAN, CHARLES T & LESLIE
325 COREY WY 107
S SAN FRANCISCO CA
94080

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: General Advertising Sign(s)
Assessor's Block 3753 Lot 007

On August 16, 2006, a letter was sent to all known owners/operators of general advertising signs within the City and County of San Francisco. This letter requested a complete inventory of all such signs within San Francisco, along with processing fees, be submitted to the Planning Department no later than October 23, 2006. This request was made pursuant to Ordinances 140-06 and 200-06.

You are receiving this notice because you have been identified as the owner of the above-referenced property within the City & County of San Francisco which contains at least one general advertising sign, AND you and/or the owner/operator of the sign failed to provide inventory information about the sign(s).

Ordinance 140-06 establishes Planning Code Section 604.2, General Advertising Sign Inventories. Per Section 604.2(a):

Within 60 days of the effective date of this Section, any general advertising sign company that owns a general advertising sign in the City shall submit to the Department a current, accurate, and complete inventory of its general advertising signs together with the inventory processing fee.

Ordinance 200-06 establishes Planning Code Section 358, General Advertising Sign Fees. Per Section 358(b):

The fee for the initial inventory processing pursuant to Section 604.2 shall be \$560 per sign . . .

The inventory must be paid in full when submitted to the Planning Department. Please make all checks payable to the "San Francisco Planning Department."

Inventory Request
October 18, 2007

You must respond to this notice no later than 5:00 p.m. on November 19, 2007. If the Planning Department determines your inventory is incomplete or inaccurate, or if the inventory is submitted after the due date, you will be subject to penalties outlined in Planning Code Section 604.1(g). If you fail to respond, a Notice of Violation will be issued pursuant to Planning Code Section 610.

The inventory must include specific information about the characteristics and history of the sign(s), photographs, a map of all signs you own or operate in the City and an affidavit attesting to the validity of the submitted materials. To assist you in submitting a complete and accurate inventory, the Planning Department has developed a comprehensive spreadsheet to be used as the basis for all submittals. This spreadsheet, along with detailed instructions, an affidavit and the enacting legislation, can be found on our website (www.sfgov.org/planning). Please select "General Advertising Sign Inventory" under the "Publications & Reports" heading. The completed inventory, including spreadsheet, map and all relevant files, should be submitted to the Planning Department's Sign Inventory Program on a CD-ROM or DVD if possible.

Please submit all required materials and payment (by mail or by hand) to:

Sign Inventory Program
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

If you have any questions regarding this notice, please contact me at (415) 558-6354, or via email at jonathan.purvis@sfgov.org.

Sincerely,



Jonathan Purvis
Coordinator,
General Advertising Sign Inventory Program



NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

COMPLAINT NUMBER *200702591*

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission St. • San Francisco, CA 94103 - 2414

FIRST NOTICE

SECOND NOTICE

OTHER: _____

ADDRESS *360 5th St*

DATE *5/3/07*

OCCUPANCY / USE *B*

BLOCK *3453* LOT *007*

CONST. TYPE *3*

STORIES *2* BASEMENT

If checked, this information is based upon site observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER / AGENT _____

PHONE # _____

MAILING ADDRESS _____

CITY _____ ZIP _____

PERSON CONTACTED @ SITE _____

PHONE # _____

VIOLATION DESCRIPTION:

WORK WITHOUT PERMIT (SFBC 106.1.1); ADDITIONAL WORK-PERMIT REQUIRED (SFBC 106.4.7);

EXPIRED PERMIT (SFBC 106.4.4); CANCELLED PERMIT (SFBC 106.3.7) PA# _____

UNSAFE BUILDING (SFBC 102); SEE ATTACHMENTS CODE / SECTION #

<i>JLN RECERS AC FRONC OF BUILDING</i>	<i>106 11</i>
<i>AT 354. 360 5N 5E W/IN AOUR</i>	
<i>BUILDING PERMIR SIGN IS DOUBLE</i>	
<i>FACEN APPROX 6 FT TALL 4 FT WIDE</i>	

(BC - Building Code HC - Housing Code PC - Plumbing Code EC - Electrical Code MC - Mechanical Code)

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

FILE BUILDING PERMIT APPLICATION WITHIN 30 DAYS (WITH PLANS) A Copy of This Notice Must Accompany the Permit Application.

OBTAIN PERMIT WITHIN 30 DAYS AND COMPLETE ALL WORK WITHIN 30 DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN 30 DAYS. NO PERMIT REQUIRED.

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED _____, THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE REVERSE SIDE FOR ADDITIONAL WARNINGS.

OBTAIN BUILDING PERMIT IN PLANNING DEPARTMENT APPROVAL FOR SIGN IN STAGED INSTITUTIONS

INVESTIGATION FEE OR OTHER FEE WILL APPLY See reverse side for further explanation

2x Fee (Work w/o Permit after 9/1/60)

2x Fee (Work Exceeding Scope of Permit)

Other _____

Reinspection Fee \$ _____ No penalty (Work w/o permit prior to 9/1/60)

APPROX DATE OF WORK W/O PERMIT *APRIL 2007* VALUE OF WORK PERFORMED WITHOUT PERMITS *\$ 0.00*

BY ORDER-OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR *John J. Doherty* (Inspector - Print Name)

Building Inspection Division
3rd Floor, 1660 Mission St. 558-6096

OFFICE HOURS *7:30 TO 8:30 AM AND 1 TO 4 PM*

Housing Inspection Services
6th Floor, 1660 Mission St. 558-6220

PHONE # *558-6122*

Electrical Inspection Division
3rd Floor, 1660 Mission St. 558-6030

By: (Inspector's Signature) *John J. Doherty* DISTRICT #

Plumbing Inspection Division
3rd Floor, 1660 Mission St. 558-6054

CC: DCP EID PID BID HIS CED CPC DAD SFFD DPH RPC

Code Enforcement Division
3rd Floor, 1660 Mission St. 558-6454

Pursuant to SFBC 107.5 and 106.4.7 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor, 554-6720.

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an Order of Abatement is recorded against this property, the owner will be billed for the property will be liable for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 102.2 & 110

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of \$100 for each instance of initial non-compliance, followed by \$200 fines per violation for the second instance of non-compliance, up to a maximum of \$7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than \$1,000 per day or six months' imprisonment for both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six (6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c) of the Revenue and Taxation Code.

WARNING: Section 103 of the San Francisco Building Code provides for civil fines of up to \$500 per day for any person who violates, disobeys, omits, neglects or refuses to comply with or opposes the execution of any provisions of this code. This section also provides for misdemeanor fines, if convicted, of up to \$500 and/or imprisonment up to six months for each separate offense for every day such offense occurs.

De acuerdo a las Secciones 107.5 y 106.4.7 de el Código de Construcción de Edificios de San Francisco, gastos de investigación serán cobrados por trabajo comenzado o realizado sin los debidos permisos o por trabajo que excede el límite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince días de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, teléfono 554-6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspección de Edificios tendrá el derecho de iniciar el proceso de mitigación. Si una Orden de Mitigación es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicación del código, desde la primera puesta del Aviso de Infracción hasta que todos los gastos estén pagados, se le cobrarán al dueño del edificio o la propiedad será embargada para recuperar dichos gastos. Referencia a la Sección 102.2 y 110 de el Código de Construcción de Edificios.

ADVERTENCIA: La Sección 204 de el Código de Vivienda de San Francisco permite que se multe inmediatamente \$100 por cada primer caso de inconformidad, seguida por una multa de \$200 por cada segunda infracción de inconformidad, aumentando hasta un máximo de \$7,500 por cada edificio. Esta Sección también permite obtener cargos criminales como delito menor, resultando en multas de no menos de \$1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspección de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciación o taxes atribuidos sobre dicha estructura. Si el trabajo de reparación no se termina o esta diligentemente, rápidamente y continuamente acusado después de seis (6) meses de la fecha de este aviso, se le enviará una notificación a la Junta de Concesión de Impuestos (Franchise Tax Board) de acuerdo a la Sección 1264(c) del Código de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: La Sección 103 de el Código de Edificios de San Francisco impone multas civiles hasta de \$500 por cada día a cualquier persona que infrinja, desobedezca, omítala, desculpe, rehúsa cumplir, resisté o se opone a la ejecución de las provisiones de este código. Esta sección también impone multas por delito menor, si es declarado culpable, de hasta \$500 o encarcelamiento de hasta 6 meses, o ambas sanciones, por cada una de las ofensas y por cada día que dicha ofensa ocurre.

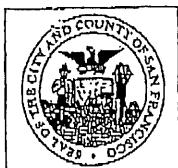
根据《三藩市建筑法典》(简称 SFBC) 第 107.5 和第 106.4.7 条款的规定，对没有获得已启动的工程和施工在进行的工况、或指超越许可範圍的工况，将收取罚款。当事人可以在书面通知日起 15 天之内，向任何可上诉法院提出上诉。就本通知地址在 Stevenson 街 875 号 4 楼，电话：554-6720。

警告：如不按照要求立即采取行动，以纠正上述违法行为，将被处以罚款并吊销该建筑项目的执照。如果该建筑项目在市内尚未完成，则由该建筑项目的业主支付由此产生的纠正费用。如果该建筑项目在市内尚未完成，则由该建筑项目的业主支付由此产生的纠正费用，或向房东抵押，直至付清各笔费用。根据《三藩市建筑法典》第 102.2 条和第 110 条规定。

警告：《三藩市房屋法典》(即 SFHC) 第 204(c) 条款规定：对第一次最初犯者立即罚款 100 元，二次及以上罚款 200 元，第三次及以上罚款 7,500 元。此条款规定罚款金额为一式三联单，持有者可提出刑事控告，每日最高罚款可至 1,000 元，或／和监禁六个月。

警告：任何人通过出租房屋获得收入，而该房屋已被建筑部门判定为低于规定的质量标准，不能从加州个人所得税、银行和公司所得税利息、以及声称低于规定的质量标准的建筑项目的折旧或税款中扣除税款。如果在此通知公布六个月内，改正上述违法行为，或者没有损坏，且通过有效的维修后执行，他们将根据《收入和税法》(即 Revenue & Taxation Code) 第 1264(c) 条规定，通知加州税务委员会 (The Franchise Tax Board)。

警告：《三藩市建筑法典》第 103 条款规定：如果任何人违反、不服从、忽略、忽视、或拒绝遵循此通知，或者抵制、反对或抗拒此通知中的任何条款的个人，将付最高 500 元的罚款同时。此法规规定罚款金额，如果裁定某个相关所发生的、在一个单独的违法行为，将付于最高 500 元的罚款，和／或拘役六个月。



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

October 26, 2007

FETTERMAN, CHARLES T & LESL
325 COREY WY 107
S SAN FRANCISCO, CA 94080

Property Address: 360 5TH Street

Block: 3753 Lot: 007 Seq: 01

Complaint No.: 200702591

Director's Order No.: 102563-A

INITIAL BILL- Assessment of Costs
Code Enforcement Section

Dear Property Owner(s):

Our records show that all required work was not completed PRIOR TO THE DIRECTOR'S HEARING AND RECORDATION OF THE ORDER OF ABATEMENT ON THE TITLE OF THIS PROPERTY. THIS RESULTED IN THE ACCRUAL OF ASSESSMENT OF COSTS@ pursuant to Sections 102.2 & 102.16 of the San Francisco Building Code. These code sections require that this Department's a cost of preparation for and appearance at the hearing, and all prior and subsequent attendant costs shall be assessed upon the property owner..."

The Assessment of Cost AMOUNT accrued to date NOW DUE AND PAYABLE is: \$437.80

Payment must be by Cashier's Check or money order & must be accompanied by this original letter.

Make all checks payable to The Department of Building Inspection.
Mailed payments can be sent to:

Assessment of Costs Payment
Department of Building Inspection
Code Enforcement Section
1650 Mission Street, Room 312C
San Francisco, CA 94103

TO AVOID HAVING A LIEN RECORDED UPON YOUR PROPERTY AND LEVIED ON YOUR NEXT PROPERTY TAX BILL, it is necessary for you to render payment immediately.

Note: The Order of Abatement cannot be removed from the title nor can the complaint against this property be abated, until appropriate permits are issued, inspections are performed to verify correction of violations, final inspection approvals are granted and further accrued Assessments of Costs are paid.

All violations must be abated AS SOON AS POSSIBLE TO AVOID OR MINIMIZE ADDITIONAL COSTS & PENALTIES. All additional time accrued from this billing to the final abatement of your case will be sent to you in a separate and final assessment of costs bill.

Contact the Code Enforcement Division at (415) 558-6454 should you have any questions concerning this matter.

Your prompt cooperation on this matter is appreciated.

Very truly yours,

Neil Friedman
Acting Chief Building Inspector
Code Enforcement Section



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street , San Francisco, CA 94103-2414

October 26, 2007

ORDER OF ABATEMENT

Owner:
**FETTERMAN, CHARLES T & LESL
 325 COREY WY 107
 S SAN FRANCISCO CA
 94080**

Property Address: 360 05TH ST,
 Block: 3753 Lot: 007 Seq: 01
 Tract: Case: BWO
 Complaint: 200702591

Inspector: Hinchion

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 102563-A
 HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION
 AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON October 4, 2007
 IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS
 CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. THE OWNER WAS REPRESENTED.

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES
 AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE
 UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

(1) 30 DAYS TO FILE PERMIT APPLICATION TO LEGALIZE OR REMOVE SIGN AT FRONT OF BUILDING (2) COMPLY WITH PLAN REVIEW COMMENTS AND TIME LIMITS (3) 10 DAYS TO PICK UP APPROVED PERMIT (4) 30 DAYS TO COMPLETE ALL WORK INCLUDING FINAL INSPECTION APPROVAL

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN TEN (10) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:

Neil Friedman
 Neil Friedman

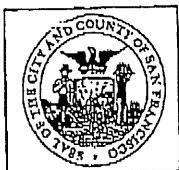
Acting Chief of Building
 Inspection

Phone No. (415) 558-6096

APPROVED BY:

Isam Hasehin

Isam Hasehin, P.E., C.B.O.
 Director / Department of Building
 Inspection
 Fax No. (415) 558-6474



DEPARTMENT OF BUILDING INSPECTION

**City & County of San Francisco
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